

IN RE:

NATALIE A. PACILEO,	:	Case No. 15-11315-TPA
<i>Debtor.</i>	:	
	:	Chapter 7
	:	
	:	Related to Doc. Nos. 465

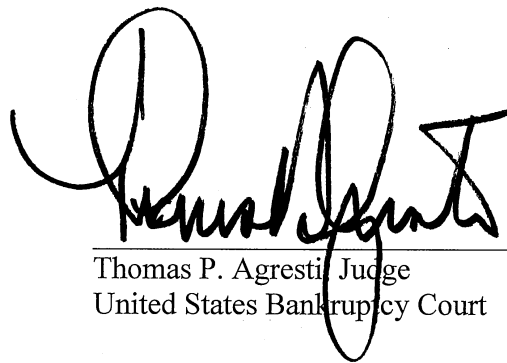
ORDER

At the February 15, 2018 Status Conference which was set due to the lack of any noticeable progress for over a year in this case, the Chapter 7 Trustee and Counsel for Consumer Fresh Produce and Brigiotta’s Farmland Produce and Garden Center (“PACA Trust Creditors”) asked the Court for permission to “remarket” the Debtor’s residential property, even though neither had agreed to a proposed distribution of sale assets over and above payment of the first lien to HSBC Financial, which lien totals approximately \$190,000. It appears, the wrangling between the Parties as to the efficacy of their respective legal positions regarding the appropriate distribution of any sale proceeds has led to the current inertia in the case.

Ostensibly, the Trustee has moved from his previous position that the PACA Trust Creditors’ lien was unenforceable against the Debtor’s residence and is now opting to sell the property for the benefit of the PACA Trust Creditors. According to the Trustee, a year ago, he had an offer of purchase in the \$400,000 range but current market interest in the property is only in the \$250,000 range. Unfortunately for the PACA Trust Creditors, unless the Estate receives a “net meaningful distribution” for the benefit of the unsecured creditors the Chapter 7 Trustee is not permitted to liquidate Estate property simply for the benefit of a secured creditor. The passage

of time without any progress, has led to a diminution in potential recovery for both parties. If the property is to be liquidated in bankruptcy, the Parties need to cooperate and propose a sale that results in a meaningful distribution to unsecured creditors. Regardless, the current state of affairs cannot continue. Therefore,

AND NOW, this 16th day of *February, 2018*, for the reasons stated above and at the February 15th Status Conference, it is hereby **ORDERED, ADJUDGED** and **DECREED** that *on or before March 19, 2018* the Trustee shall file a feasible *Motion for Sale* regarding liquidation of the real property located at 6400 Dobler Road, Girard, Pennsylvania or the property will be *deemed abandoned* without further notice or hearing. In such event, *on or before May 21, 2018* the Trustee is directed to prepare and file the necessary estate accounting and close out documents with the United States Trustee.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
Joseph Spero, Esq.
Jeremy Darling, Esq.
Gary Skiba, Esq.
Debtor

Imaged Certificate of Notice Page 3 of 4

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Natalie A. Pacileo
DebtorCase No. 15-11315-TPA
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: jmar

Page 1 of 2

Date Rcvd: Feb 16, 2018

Form ID: pdf900

Total Noticed: 2

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 18, 2018.

db +Natalie A. Pacileo, 6400 Dobler Road, Girard, PA 16417-8780
+Jeremy Darling, Esq., One PPG Place, Suite 3010, Pittsburgh, PA 15222-5419Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 18, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 16, 2018 at the address(es) listed below:

Alicia M. Sandoval on behalf of Creditor Bayview Loan Servicing, LLC, attorney in fact for M&T Bank alicia.sandoval@obermayer.com
Alicia M. Sandoval on behalf of Creditor M&T BANK alicia.sandoval@obermayer.com
Carole Katz on behalf of Mediator Carole Katz carole@carolekatz.com
Charles Kelly on behalf of Plaintiff Brigiotta's Farmland Produce & Garden Center, Inc. ckelly@saul.com, thay@saul.com
Charles Kelly on behalf of Creditor Consumer Fresh Produce, Inc. ckelly@saul.com, thay@saul.com
Gary V. Skiba on behalf of Accountant Trish Shoulders gskiba@yochim.com, donna@yochim.com;rose227@hotmail.com
Gary V. Skiba on behalf of Debtor Natalie A. Pacileo gskiba@yochim.com, donna@yochim.com;rose227@hotmail.com
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, et. al. bkgroup@kmlawgroup.com
Jeffrey Kurtzman on behalf of Creditor First Allied Corporation Kurtzman@kurtzmansteady.com
Jeffrey Kurtzman on behalf of Creditor Perry Plaza Erie PA, LP Kurtzman@kurtzmansteady.com
Jeffrey C. Hampton on behalf of Creditor Consumer Fresh Produce, Inc. jhampton@saul.com
Jennifer M. Irvin on behalf of Creditor Commonwealth Of Pennsylvania, Department of Labor and Industry, Unemployment Compensation Fund jeirvin@pa.gov, jeirvin@pa.gov
Jill Locnikar on behalf of Creditor United States of America Department of the Treasury, Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;deborah.verrilla@usdoj.gov;caseview.ecf@usdoj.gov
John F. Kroto on behalf of Creditor Perry Plaza Erie PA, LP john_kroto@pawb.uscourts.gov, knoxbank@hotmail.com,mwernicki@kmgslaw.com,burban@kmgslaw.com
Joseph B. Spero on behalf of Trustee Joseph B. Spero sperolaw@neohio.twcbc.com, jspero@ecf.epiqsystems.com;legalmom18@hotmail.com
Joseph B. Spero sperolaw@neohio.twcbc.com, jspero@ecf.epiqsystems.com;legalmom18@hotmail.com
Justin M. Tuskan on behalf of Creditor PSF Acquisition Company, LLC jtuskan@metzlewis.com
Kate Ellis on behalf of Plaintiff Brigiotta's Farmland Produce & Garden Center, Inc. kellis@mccarronlaw.com
Michael P. Kruszewski on behalf of Creditor Ford Brothers Wholesale Meats, Inc. mkruszewski@quinnfirm.com, knottingham@quinnfirm.com;mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.com;mmyers@quinnfirm.com
Michael P. Kruszewski on behalf of Defendant Ford Brothers Wholesale Meats, Inc. mkruszewski@quinnfirm.com, knottingham@quinnfirm.com;mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.com;mmyers@quinnfirm.com
Michael S. Jan Janin on behalf of Creditor Erie Federal Credit Union mjanjanin@quinnfirm.com, knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;mmyers@quinnfirm.com

District/off: 0315-1

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Page 2 of 2
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee
Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Robert C. Edmundson on behalf of Creditor Office of Attorney General Department of Revenue
redmundson@attorneygeneral.gov
Thomas Brasco, Jr. on behalf of Plaintiff Natalie A. Pacileo tbrasco@yochim.com
Thomas Brasco, Jr. on behalf of Debtor Natalie A. Pacileo tbrasco@yochim.com

TOTAL: 26